THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP Nos.2335, 2336, 2625, 2394 & 2395/2000

Date:11.07.2016

Between:

The State of A.P.,
rep by the District Collector,
Warangal.

... Appellant.

AND

Kandi Ramulu and another.

...Respondents.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP Nos.2335, 2336, 2625, 2394 & 2395 of 2000

JUDGMENT:

These revisions are preferred challenging common order dated 15-07-1992 in Land Reforms Appeal Nos.15, 16, 17, 18, & 25/1991 on the file of Land Reforms Appellate Tribunal, Warangal.

2. CRP No.2395/2000 is filed against order in LRA No.15/1991, CRP No.2625/2000 is filed against order in LRA No.16/1991, CRP No.2335/2000 is filed against order in LRA No.17/1991, CRP No.2394/2000 is filed against order in LRA No.18/1991 and CRP No.2336/2000 is filed against order in LRA No.25/1991. All these revisions are preferred by the State contending

that the lower appellate Tribunal erred in directing the exclusion of land from the holding of declarant Vanam Srinivas Rao.

3. Brief facts leading to filing of these revisions are as follows:-

One Vanam Paramkush Rao was the declarant and Vanam Srinivas Rao is the son of Vanam Paramkush Rao. Vanam Paramkush Rao filed declaration in respect of lands held by his family unit under the provisions of A.P. Land Reforms (Ceiling and Agricultural Holdings) Act, (hereinafter referred to as 'Land Ceiling Act') and he was found holding land equivalent to 0.5457 SH in excess of ceiling area and he was asked to surrender land equivalent to 0.5457 SH for which, he submitted details of the lands proposed to be surrendered and the Land Reforms Tribunal accepted the surrender and passed orders stating that those lands are deemed to have been surrendered by Paramkush Rao by declaration and when the revenue officials tried to take possession of those lands, third parties i.e., appellants before the land Reforms Appellate Tribunal objected for taking possession of the lands contending that Paramkush Rao had no right to surrender those lands and he could not have been included in his holdings. The Land Reforms Appellate Tribunal, on a consideration of entire material on record including the documentary evidence recorded a finding that the declarants have no interest in the lands in question, which are in possession of the appellants therein since long time, some of them even purchased under inadmissible documents, therefore, those lands have to be excluded from the holding of the declarants and allowed the appeals. Aggrieved by the same, State preferred these revisions.

4. Heard arguments.

5. Advocate for revision petitioner representing State submitted

that the lower appellate authority erred in excluding the subject lands from the holding of the declarants when the holding was finally determined under Section 9 of the Land Ceiling Act. He submitted that once the holding was finally determined, it cannot be affected or altered in the surrender proceedings, therefore, the appellate Tribunal has no jurisdiction and the orders of the appellate Tribunal are liable to be set aside.

6. Now the point that would arise for my consideration in these revisions is whether the order of the Court below is legal, proper and correct?

7. **Point:**- Vanam Paramkush Rao and Vanam Srinivas Rao are father and son, who filed separate declarations under Section 8 (1) of the Land Ceiling Act in respect of their holdings, which was taken up as C.C.Nos.771 & 182/Warangal/75 respectively and Land Reforms Tribunal, after conducting enquiry, passed order under Section 9 of the Act on 26-02-1980 declaring that Paramkush Rao and Srinivas Rao held lands to the extent of 1.3583 Hectors in excess of ceiling area as on
01-01-1975 and they have to surrender the surplus lands.
The declarants preferred appeals in LRA Nos.81 & 89/1990 before the Appellate Tribunal questioning the same, contending that the lands computed to their holding were sold to third parties and some lands were not agricultural lands and some lands were given to daughter of Paramkush Rao towards Pasupukunkuma and these contentions were rejected, except in respect of lands in Survey Nos.139, 151 & 1089 and remanded the matter to the Tribunal, thereafter the Tribunal passed orders accepting the surrender on 18-01-1991 and thereafter, third parties preferred appeals to the Land Reforms Appellate Tribunal. The land in LRA.15/1991 is Acs.02-35 cents in Survey

No.136, land covered by LRA.No.16/91 is Ac.0-37 cents in Survey No.917, land covered by LRA No.17/1991 is
Ac.1-05 cents in Survey No.917, land covered by LRA No.18/1991 is Ac.0-20 cents in Survey No.136 and land covered by LRA No.25/1991 is Ac.1-03 guntas in Survey No.947.

As seen from the record, the declarants from the beginning contended that they have no interest in these lands and in spite of that, the officials shown this land and computed to their holdings. This was considered by the Land Reforms Appellate Tribunal with reference to the documents like Kasra Pahani, Pahani Patrika, Pisal Patti produced on behalf of third parties including some unregistered agreement of sale. On a consideration of those documents, Land Reforms Appellate Tribunal recorded a finding that the declarants have no interest in the lands in question and third parties have been in possession of the disputed lands since a long time and some of them have purchased and some of them continued in possession for more than statutory period and therefore, showing this land to the holding of the declarants for the purpose of surrender is not legal. I do not find any wrong appreciation of evidence that was produced on behalf of third parties. Appellate Tribunal rightly relied on such a strong evidence particularly, revenue records when they were not rebutted by Government.

8. The scope of revision is very limited and this Court can interfere only if there is a jurisdictional error or perversity in the finding of the lower Court. As seen from the material, Land Reforms Appellate Tribunal has properly appreciated evidence on record and came to a right conclusion and the reasons given for such findings are sound and there is no jurisdictional nor there is any perversity in the findings of the Court below therefore, the contention of the Government with regard to the findings of the Land Reforms Appellate

Tribunal cannot be accepted. The learned Presiding Officer elaborately discussed each and every aspect and passed a reasoned order and there are absolutely no grounds to interfere with such a reasoned order, therefore, all the revisions are devoid of merits.

9. For these reasons, revisions are dismissed and as a sequel, miscellaneous petitions, if any, pending in these revisions, shall stand dismissed. No costs.

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JUSTICE S. RAVI KUMAR

Date:11.07.2016

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